

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

NAPOLEON HARTSFIELD,

Plaintiff,

vs.

STATE OF IOWA, JERRY BURT,
IOWA DEPARTMENT OF
CORRECTIONS, JOHN FAYRAM,
CURT MAYO, DENNIS LEBARGE,
KATHRYN WILLIAMS,

Defendants.

No. C11-0134-LRR

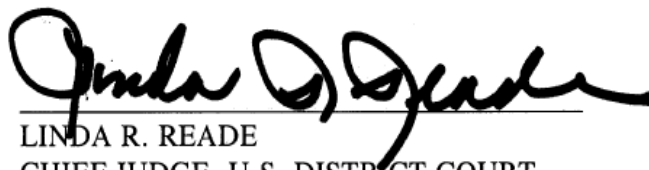
ORDER

This matter is before the court following removal from the Iowa District Court for Jones County. Such removal occurred on December 8, 2011. The defendants did not submit the appropriate filing fee. *See* 28 U.S.C. § 1914(a) (“The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of \$350”); *see also* LR 3(d) (requiring fee that is prescribed by statute). And, it appears that the defendants did not comply with the court’s rules regarding removal or federal law regarding removal. *See* LR 81(a)(1) (stating that, “[w]hen a civil case is removed to this court from a state court, along with the notice of removal and the proper filing fee, the removing party also must file under the same docket entry as the notice of removal the following: 1. Copies of all process, pleadings, and orders filed in the state case”); 28 U.S.C. § 1446(a) (requiring removing party to file “a copy of all process, pleadings,

and orders served upon such defendant”).¹ Accordingly, the court deems it appropriate to remand this case back to the Iowa District Court for Jones County. The clerk’s office is directed to take the appropriate steps to effectuate such remand. Additionally, the clerk’s office is directed to satisfy or terminate the motion that is pending in this action.

IT IS SO ORDERED

DATED this 14th day of December, 2011.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA

¹ The court notes that none of the relevant state court documents have been filed. Iowa state court criminal and civil records may be accessed at the following address: http://www.iowacourts.gov/Online_Court_Services/. See *Stutzka v. McCarville*, 420 F.3d 757, 760 n.2 (8th Cir. 2005) (addressing court’s ability to take judicial notice of public records).